

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
RISEANDSHINE CORPORATION d/b/a	:	
RISE BREWING,	:	
	:	21 Civ. 6324 (LGS)
	:	
Plaintiff,	:	
	:	
	:	<b><u>ORDER</u></b>
-against-	:	
	:	
PEPSICO, INC.,	:	
	:	
Defendant.	:	
	:	
-----X		

LORNA G. SCHOFIELD, District Judge:

WHEREAS, a conference was held on February 22, 2022, to discuss Plaintiff's motion for an indicative ruling pursuant to Federal Rule of Civil Procedure 62.1 on its underlying motion to supplement the record and/or amend the Court's order granting Plaintiff a preliminary injunction. (Dkt. No. 181.)

WHEREAS, pursuant to Federal Rule of Civil Procedure 62.1, if a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may: (1) defer considering the motion; (2) deny the motion; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue. Fed. R. Civ. P. 62.1. For the reasons discussed at the conference, it is hereby

**ORDERED** that, for the reasons discussed at the hearing, the Court declines to make an indicative ruling and defers consideration of the underlying motion to supplement and/or amend. It is further

**ORDERED** that, by **March 1, 2022**, the parties shall raise any discovery issues in a joint letter. The letter shall include headings identifying each issue and, for each issue raised, shall

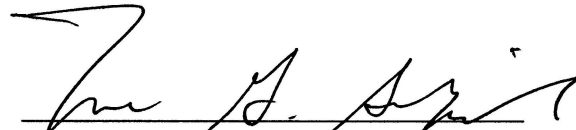
include a brief description from the party raising the issue immediately followed by the opposing party's response to that issue. It is further

**ORDERED** that Defendant's motion to extend discovery by three weeks is granted. An amended Case Management Plan will issue separately. It is further

**ORDERED** that the parties shall file a joint letter notifying the Court of the date of oral argument before the Second Circuit (once scheduled).

The Clerk of Court is respectfully directed to close the motions at Dkt. Nos. 184 and 192.

Dated: February 23, 2022  
New York, New York

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**